

Congress of the United States
Washington, DC 20515
August 17, 2021

Joe Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

We write today with concerns over the illegal actions forced through by your Administration and specifically the recent expansion of the eviction moratorium order by the Centers for Disease Control and Prevention. On September 4, 2020 the Centers for Disease Control and Prevention took the unprecedented step of unilaterally issuing a national eviction moratorium to “prevent the further spread of COVID-19”. After failing to pass the Protecting Renters from Evictions Act of 2021 in the United States House of Representatives, on August 3rd, the CDC once again expanded this illegal order through October 3, 2021.

We are deeply concerned that this action was not extended to prevent COVID-19 transmission, but instead is being used to provide additional pandemic payouts. In fact, in a recent press release from the CDC, you state that “The eviction moratorium allows additional time for rent relief to reach renters”.

As you are aware, there was an official ruling regarding the CDC’s power to implement an eviction moratorium in May from the U.S. District Judge Dabney Friedrich. In her ruling, she stated that the CDC acted outside the scope of its authority when it previously issued the moratorium. While the Supreme Court later allowed the stay to remain in place, and therefore continue the moratorium, the Supreme Court warned that a further extension of the ban beyond its July 31 deadline would exceed the agency's authority unless Congress passed a law to expand it.¹

In his concurring opinion, Justice Kavanaugh stated plainly that the CDC’s actions were unlawful, that it “exceeded its existing statutory authority by issuing a nationwide eviction moratorium” but that he only voted to uphold the stay “because the CDC plans to end the moratorium in only a few weeks, on July 31”.²

In fact, your administration admitted in a statement by White House Press Secretary Jen Psaki on July 29th that the CDC does not have the statutory authority to further extend this eviction moratorium and any further extension would require congressional authorization.³ Furthermore,

¹ https://www.supremecourt.gov/opinions/20pdf/20a169_4f15.pdf

² https://www.supremecourt.gov/opinions/20pdf/20a169_4f15.pdf

³ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/29/statement-by-white-house-press-secretary-jen-psaki-on-biden-harris-administration-eviction-prevention-efforts/>

you yourself on August 3rd admitted during a press conference that the CDC does not have the authority to implement a new eviction moratorium. When asked about the constitutionality of the new CDC ruling you stated "Whether that option will pass constitutional muster with this administration, I can't tell you. I don't know.... There are a few scholars who say it will and others who say it's not likely to. But, at a minimum, by the time it gets litigated, it will probably give some additional time while we're getting that \$45 billion out to people who are in fact behind in the rent and don't have the money."

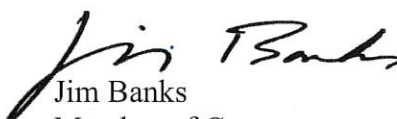
The CDC does not have the power to bypass Congress or ignore the Judicial System of the United States. The stated mission of the CDC is to increase the health security of our nation and protect Americans from foreign and domestic health threats. Unilaterally expanding the eviction moratorium order does not meet this stated mission. In order to restore the credibility of the agency, the Center for Disease Control must return to its stated mission. Moving forward you should focus your efforts on determining the origins of SARS-CoV-2 and working to ensure our country is well equipped to face future pandemics.

We urge you to immediately halt these illegal actions and rescind the CDC's eviction moratorium. We look forward to your prompt reply.

Sincerely,



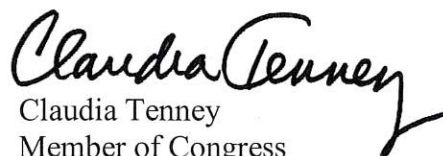
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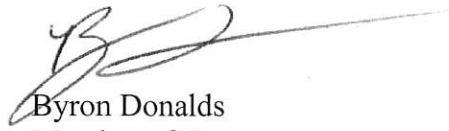
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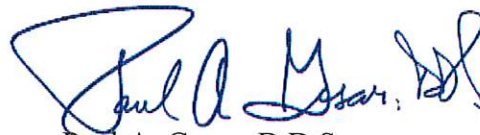
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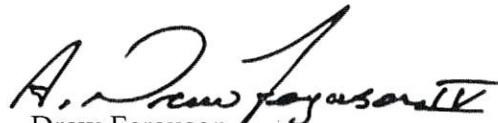
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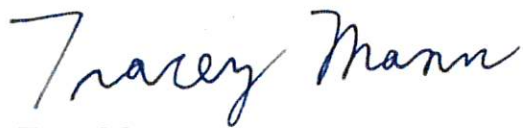
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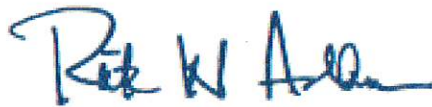
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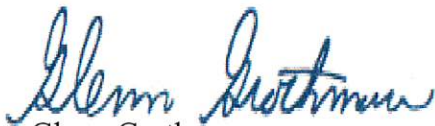
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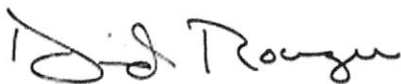
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